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Chair

Mr. Anthony Housefather

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● (1535)

[*English*]

The Chair (Mr. Anthony Housefather (Mount [illegible]al, Lib.)): Good afternoon, everyone, and welcome to this meeting of the Standing Committee on Justice and Human Rights as we resume our study of human trafficking in Canada.

It's a great pleasure for us to be joined by our colleagues from the other place, Senator Mobina Jaffer and Senator Marilou McPhedran.

[*Translation*]

We also welcome our colleague from the House of Commons, Mr. Rhéal Fortin.

I ask that everyone speak for 8 to 10 minutes, no more, because we want to have time for questions.

We will proceed in the order that appears on the agenda.

[*English*]

We'll start with Senator Jaffer.

Hon. Mobina S.B. Jaffer (Senator, British Columbia, Lib.): Thank you, Mr. Chairman, deputy chairs, and members of the committee, for allowing me this opportunity to discuss the devastating reality of human trafficking in Canada.

[*Translation*]

After having carefully read the transcripts of your previous meetings, I saw that you had already received many excellent recommendations from your witnesses. While keeping those in mind, I would like to add three of my own recommendations, which will target the fundamental causes of human trafficking.

[*English*]

Today I will orient my remarks on three main points of human trafficking. I have provided notes to you, but I'm not going to follow them loyally because I have to get through this, so I'm going to try to just skip through.

My three points are, one, the urgent need to educate people on child cybersex trafficking; two, human trafficking during international sporting games such as the Olympics; and three, sex tourism.

Honourable members, I'm asking you when you do this report to look outside of the normal way of doing a report. I have suggested a template because, in my 17 years here and beforehand as well, there have been so many reports. I suggest a template, just a humble suggestion. Whatever you recommend to Justice, ask them by what date they can implement and follow through. I humbly suggest that you write every recommendation that you make with the idea of implementation. That is where we will stop this trafficking.

For me, education is needed for cybersex trafficking, sex tourism, and international sporting events. All of this leads to sexual assault. The biggest thing is the demand for sex. That's what leads to sexual abuse.

For cybersex, number one, by educating people on cybersex trafficking, we raise awareness on this terrible crime and we start a conversation with people. Cybersex trafficking is a type of sex trafficking that exposes all children globally to countless predators. Underage boys and girls, some even toddlers, are forced to perform sexual activities in front of a camera.

A really sad fact is that, of 60 countries, Canada ranks in the top three for hosting websites and images and selling material containing child sexual abuse. It is absolutely shocking that our country plays a role in endorsing the explicit content of child cybersex trafficking. Unfortunately, it's a horrifying truth.

In November 2017, nine children were rescued in the Philippines by International Justice Mission and the police forces. Victims of sexual online exploitation and trafficking, these seven girls and two boys were as young as two years old to nine years old. The arrested suspect in the Philippines allegedly produced and sent sexually explicit images of very young children via social media to Canadians and others in exchange for money. There was a Saskatchewan man who was sentenced to 12 years in jail for his involvement in this crime.

Educating people by starting the conversation is key to raising awareness.

My first recommendation is that we need to put an end to cybersex. I read your transcripts, and I know that there are ways to do this. I won't repeat that. You already have that in mind, but I ask that one of your main recommendations would be that we have to stop cybersex.

My second point is that sexual exploitation is very present during international sporting events such as the Olympic Games. I come from B.C. where we had the Olympic Games, and we took every measure to have zero tolerance for people being trafficked to our country for the games.

At this point I want to recognize Mr. Nicholson.

Mr. Nicholson, you left a tremendous legacy when you took a stand that there would be no women trafficked into Canada during the games, and I want to thank you because I know you played a very important role.

I got involved in this issue in 2005 when Germany was bringing in almost 100,000 women, and they were building warehouses because prostitution is legal in Germany. With financial support from Sweden, women's groups and people like me were able to stop women being trafficked into Germany, but not quite—40,000 women were trafficked instead of 100,000.

I have two articles that I'm providing to you to give you an idea of what I am saying.

For the Olympics, with the help of then minister Nicholson and others, we were able to stop women being brought in. You would think I would be happy with that, but unfortunately we brought girls from the reserves to my city.

I walked the streets of Vancouver during the games, and I saw girls like Grace, who was 12 years old, and another 10-year-old girl. Men passively participated in the Olympics during the day, and in the evening they hurt our girls. That is why it is very important to make sure we have a template where, whenever we hold international games, we will not have girls trafficked, and we will protect our own girls.

We stopped trafficking into Vancouver from outside, but we hurt our own girls.

My second recommendation is, whenever we host international games in our country, Immigration and CBSA have to be vigilant in making sure that visas are not given to persons who will be trafficked into our country. This needs to be one of our main items on templates, especially when games are held in our country.

My third item is sex tourism. I have worked very hard on the issue of sex tourism. It offends me, and I'm sure it offends you as well, when men from our country go to other countries and hurt young boys and girls. We can stop this. I have details in my presentation, but I will tell you; there's a very easy way to stop it. The way we stop it is to have RCMP officers embedded in the countries where Canadian men go. If those RCMP officers did the investigation that is needed, we could prosecute those men in Canada. We have the act. We have the tools to stop sex tourism, and I am urging you to ask CBSA, ask Minister Goodale, to put one RCMP officer wherever the men go. For example, the Dominican Republic, the Philippines, Thailand. I can tell you; I've seen it. There is one in Malaysia, and it's already made a difference, so I ask you to put in a simple recommendation, that we have RCMP officers in the embassy to stop sex tourism.

Let me tell you about Daisy. Daisy was one of these girls in the Dominican Republic, who was taken by Yolanda, and Daisy was only 12 years old. She was raped many times a day by Canadian men. With the help of the RCMP and the Malaysian government, Daisy was able to be rescued. Later on, if you want to know how this rescue mission works, I will tell you because I have been part of these rescue missions. I ask that you look at Daisy's story and many other girls' stories, to see that my third recommendation is that we have RCMP officers posted in embassies to help target perpetrators, investigate, and collaborate with local law enforcement to put an end to sex tourism.

I am absolutely convinced that if we had a few prosecutions, men would not pack their bags and go for a holiday for sex tourism. They would realize that when they came home their lives would be right there for everybody to see what kind of work they do. I ask you, please consider this recommendation.

I want to say one thing to you. When I read the transcripts, Mr. Boissonnault and Mr. Rankin spoke a lot about data. Data is important, but at the moment we only get it from the RCMP, and we get it from the courts. We don't collect it from civil society or all victims, so please do not look at data. Look at saving the lives of innocent girls.

When I go on rescue missions, I don't go in myself, but I observe. I see when young girls as small as 10 are brought out of cages, out in the open, by the International Justice Mission, which is a Canadian organization. Three months later, when I go to speak to those girls—they are young girls like my own granddaughter—when we sit in a circle and talk they caress me in a sexual way. I try to stop it, but that's the only thing they know.

Honourable members, you have a lot of power. Please help to keep those innocent girls safe.

Thank you very much.

● (1540)

The Chair: Thank you very much, Senator Jaffer.

We'll go now to Senator McPhedran.

Hon. Marilou McPhedran (Senator, Manitoba, ISG): Thank you, Mr. Chair.

[*Translation*]

Good afternoon. Thank you for your invitation to testify before you this afternoon. I'd like to begin by providing a brief overview of my journey and my work regarding human trafficking.

● (1545)

[*English*]

When I returned to my home province of Manitoba 10 years ago, I started to meet with community leaders, including a number of indigenous women leaders, as part of developing a new human rights degree program at the University of Winnipeg. When I met with Diane Redsky, who at the time was the national coordinator of the commission on sex trafficking in Canada, I asked her what I could do as a professor to respond to the work that she was leading at the community level in communities across Canada.

She told me to create a course on sex trafficking, addressing the connection between prostitution and sex trafficking, because indigenous women leaders in particular do not agree with the popular notion that is pro-prostitution: legalize it, and everything will become fine. There's not enough knowledge that supports our analysis, because most of the work has not been done in Canada, because pro-prostitution is such a popular position, and because very often those who take that position argue that there would be less sex trafficking if there was more legalized prostitution.

Let's take a look at this. First of all, gender is highly relevant. In the 2017 global estimates of modern slavery, a collaborative effort between the International Labour Organization, the ILO, and the Walk Free Foundation in partnership with the International Organization for Migration, IOM, there were a couple of findings. Women and girls accounted for more than 99% of all victims of forced sexual exploitation. More than one million of the victims of forced sexual exploitation, 21% approximately, were children under the age of 18. We live in a global society where women and girls are vulnerable in every society. Like any predator, pimps and traffickers exploit these vulnerabilities.

In Canada, the majority of traffickers have been male. We are seeing females charged, but it is usually in relation to working with a man. For global estimates, in 2016, the ILO estimates that 4.8 million people were victims of forced sexual exploitation. Countries that fail to address the demand that fuels sex trafficking or have legalized or decriminalized the commercial sex industry have experienced increases in prostitution and higher numbers of trafficked women and girls to meet an influx of demand.

Between 2009 and 2014, there were 396 victims of police-reported human trafficking in Canada, the vast majority, 93%, female. In Canada, the 2013 RCMP study reported that victims of all domestic sex trafficking cases prosecuted in Canada have been female. The majority have also been youth, and the majority have also been indigenous in origin. It's very important to look at, not only the gender, but also the racialization of sex trafficking.

Victims of human trafficking are generally young. Among victims of human trafficking reported between 2009 and 2014, close to half were between the ages of 18 and 24. Between 2009 to 2014, police identified 459 persons accused of trafficking, 83% male, most commonly between the ages of 18 to 34, 77%.

Ninety-one percent of trafficking victims knew the person who trafficked them, the most common relationships being 23% business, 22% casual acquaintance, and 18% non-spousal intimate partner.

There is a myth about prostitution being the revered oldest profession. We cannot normalize prostitution by thinking of it in terms of a profession. A society that respects the dignity of women does not accept a profession where rape, assault, and humiliation are very real occupational hazards. Prostitution is not the oldest profession, it is the oldest oppression.

Prostitution is a transaction that reflects inequality. As Shelagh Day states in her publication, *Prostitution: Violating the Human Rights of Poor Women*:

> The bargain inherent in prostitution is that women have unwanted sex with men they do not know, and feign enjoyment, in exchange for money. Calling this sex between consenting adults ignores the fundamental inequality in the sexual and human transaction for the women and the men. This is not a transaction in which a woman and a man together, voluntarily, seek to give and receive sexual pleasure. Prostitution is a [business] transaction in which women provide commodified sexual services to men, in exchange for money. It is a form of social and sexual subordination—

—fuelled by our economy.

The majority of prostitutes entered prostitution between 14 and 20 years of age. In the much-vaunted Bedford decision of the Supreme Court of Canada, what was largely still not known or not acknowledged is that one of the main plaintiffs in the case admitted very clearly to prostituting her own daughter before she had reached the age of 13. There is a nature to the type of exploitation that happens that can become endemic and the perpetuation is linked to substance abuse and all kinds of self-harm.

Marginalized women, including indigenous women, particularly indigenous youth, are particularly vulnerable to prostitution and more likely to face violence, including assaults, sexual assaults, and murder.

Street-level prostitution in Canada represents between 5% and 20% of all prostitution. The rest occurs indoors. The majority of prostitutes are female, while almost all clients of prostitution are male. Gender matters.

Did you want me to close? Okay, let me then go to—

● (1550)

The Chair: We have a vote coming up. I've been told that the vote is going to be at 4:32, so I want to make sure that we hear from all of you before then.

Hon. Marilou McPhedran: On my point about gender equality, gender equality is at the core of the Swedish law. I know you've been looking at that. I'm going to make just very quick points in closing.

Criminalizing the purchase of sex and subsequently implementing and practising legal measures to penalize the purchase of sex is proven to decrease instances of trafficking. The market for prostitution in Sweden decreased significantly, with street prostitution in particular decreasing by between 30% and 50%, after the prohibition of prostitution. Sex trafficking also decreased in Sweden.

Compared to Sweden, countries such as Denmark, Germany, and the Netherlands have seen that the stock of human trafficking goes up with the legalization of prostitution. In comparison, it has gone down in Sweden.

[*Translation*]

I thank you once again for your attention and for having given us this opportunity to share our expertise on this topic with you. Please do not hesitate to contact me if I can be of any further assistance.

Thank you. *Meegwetch. Thank you.*

The Chair: Thank you very much, Madam Senator.

I now give the floor to Mr. Fortin.

Mr. Rhéal Fortin (Rivière-du-Nord, GPQ): Thank you, Mr. Chair.

Thank you for giving me the opportunity to speak here today.

As you can imagine, this issue — which we have often addressed in the House — concerns us very much in Quebec. The issues seem quite well defined. The solutions also seem quite well defined, but for reasons I do not understand, the government does not seem to want to move forward, which concerns us greatly. I will explain what I mean.

In Quebec, the problem of prostitution is especially concerning for young girls of 18 years of age or less. Our Montreal youth centres have become recruitment points for prostitution. There have in fact been numerous interventions over the past few years. As a member of Parliament, and as a lawyer in my previous life, I had the opportunity of meeting with many of the workers who work with these organizations, who say that they are concerned, and have been for years.

Before the 2011 election, Bloc Québécois MP Maria Mourani presented Bill C-612 on this topic, but the bill died on the *Order Paper* following the 2011 elections. It was presented again in 2013. In 2015, Ms. Mourani's Bill C-452 was adopted unanimously by the House of Commons. It was then passed by the Senate and received royal assent on June 18, 2015.

What did this bill say? First, it created a presumption that an individual living in the same apartment as a person practising prostitution is reputed to be living from the avails of prostitution, and reputed to be a pimp. This reversed the burden of proof, which meant that these young girls, often very young, as my Senate colleagues have said — young girls who were sometimes 12, 13, 15 or 16 — could avoid having to testify about the guilt of a pimp, who scared them and controlled them. This made it very hard for them to give this kind of evidence. And so the burden of proof was reversed.

The bill also made it possible to seize goods acquired from the avails of prostitution. There was an issue of consistency, and also the matter of consecutive sentences, which seemed to us to be an important deterrent in the fight against prostitution.

Bill C-452, which dealt with these important issues, received royal assent in June 2015. Everyone had hoped that during the summer, it would be enacted, and we could finally tell young girls that we would provide some effective protection. Unfortunately an election was called at the end of the summer, and when the new government took power in October 2015, Bill C-452 was shelved and forgotten about for a time.

Subsequenty, as you know, considerable pressure was applied by my party and its members, and by civil society, and finally the current government decided to introduce another bill, C-38, on February 9, 2017. Bill C-38's only objective was to bring Bill C-452 into effect. It did nothing else. It indicated that we were in agreement with Bill C-452 and that its clauses 1, 2 and 4 would be adopted immediately; as for clause 3 regarding consecutive sentences, that was not certain. People felt that this clause would not survive a constitutional challenge. So the coming into force of consecutive sentences was postponed to a later date.

In February 2017, everyone hoped that the bill would be tabled and that it would be passed quickly. Unfortunately, today, in May 2018, a year and several months later, nothing has yet been done, and moreover, another way of doing nothing is to simply push things forward. And so Bill C-75 was introduced, a mammoth bill, as you know. Bill C-38was included in it, and it will be dealt with at some point.

● (1555)

Since 2011, we have not dealt with this seriously. I am embarrassed to say that I am sitting in a Parliament that is not taking this issue more seriously. We keep postponing it. There were bills C-612, C-452, C-38 and C-75.

Are we in agreement or aren't we? We adopted a bill unanimously, it received royal assent, and then we let things go. Personally, I think it is indecent and embarrassing that these young girls who are counting on us are still having to deal with pimps. People don't just depend on us to extend apologies and say that what happened to them 100, 50 or 200 years ago was very sad. They are counting on us to help eliminate daily, current problems they are facing.

Sometimes there is no solution. It happens. In certain cases, solutions are complicated and take time. However, we are talking here about a problem to which there is a solution we agreed on and had adopted.

Can this order be issued?

That is what I had to say today, Mr. Chair. I'll stop here. I think my message is clear.

The Chair: Thank you very much, Mr. Fortin.

I also thank all of our witnesses. This was very enlightening.

[*English*]

Colleagues, my understanding is that the bells will start to ring at 4:02 and that the vote is at 4:32. Can I get unanimous consent that we'll continue when the bells start?

Some hon. members: Agreed.

The Chair: May I suggest that we probably have to leave at 4:15 or 4:16 to be safe to get there for 4:32? Would everybody be okay if I give five minutes to the Conservatives, five minutes to the Liberals, and five minutes to the NDP for this round of questions? We'll treat everybody the same, and then we'll have to go for the vote.

Some hon. members: Agreed.

The Chair: Thank you very much.

We'll start with Mr. Nicholson.

By the way, thank you for your very kind comments about Mr. Nicholson. We all enjoy it when a colleague of ours is saluted.

● (1600)

Hon. Rob Nicholson (Niagara Falls, CPC): Thank you very much.

Thank you, Senator Jaffer, for those comments.

Thank you to all of you for your testimony here today.

Mr. Fortin, this is a very interesting point that you've brought up, and I think you're the first one who has focused on this with respect to the consecutive sentences. I do remember that this was passed by Parliament, and it was on the basis that if you traffic one person, or you traffic 20 people, it's actually a more serious offence if you traffic 20 people. The idea of consecutive sentence was a reflection of that. Now you know, of course, what we're dealing with here in Bill C-75, that this is not going forward, but thank you for making that point.

I don't have much time, but, Senator Jaffer, again, thank you to you and your colleague, Senator McPhedran, for all the work that you are doing on this. You're making a difference on this.

One of the things that you did say was that Canada should prosecute these Canadian men who are going overseas to sexually exploit women and children in these countries, and of course, Canada should. Part of the challenge, you may know, is trying to get evidence on these people when the victims are in southeast Asia, in the Caribbean, or somewhere else. One of the things that we have spoken about over the years is getting the countries themselves involved with these prosecutions. Again, that's not very easy.

Don't you think that is another way to perhaps expedite these things, rather than the more complicated way of getting this person out of there and trying to put together a case here in Canada?

Hon. Mobina S.B. Jaffer: That would be the ideal way, but the challenge is that the person has already left and come back to our country. As you know, we have the sex tourism legislation so that we can prosecute those people here. The reason I say to have the police officer there is that these people are serial. They go often, and they go to the same places. It is my belief—and I've been wrong before—that if the police officer was able to do a very thorough investigation, if the person saw what was against him, we could get some guilty pleas. Even if we don't get the guilty plea, the fact that we charge them here, people who pack their bags and think that they're going for a sex tourism holiday.... Just three or four examples would make the difference. I think if we can get the investigation done there, ideally, it would be great, I agree with you, if the prosecution happened there, but they come back here and then they hurt our children here. So, it is important that we do the thorough investigation.

Hon. Rob Nicholson: I think your point about getting law enforcement on the ground looking into this is absolutely vital. We have investigations with respect to fraud, with respect to trade, and with respect to all different issues here.

Hon. Mobina S.B. Jaffer: We have investigations with respect to drugs.

Hon. Rob Nicholson: That's right, but there's nothing more important than things like this, trafficking in human beings.

Hon. Mobina S.B. Jaffer: And they go hand in hand.

Sorry, I don't mean to interrupt, but they go hand in hand, right?

Hon. Rob Nicholson: They do go hand in hand; I mean, those people who are involved with it.

Senator, did you have a comment on that?

Hon. Marilou McPhedran: Yes.

I want to build on Senator Jaffer's response to point out, first of all, that prosecutions of this nature have occurred in Sweden, including of a cabinet minister.

I also want to talk about the clarity of the direction to the officers stationed in our embassies, because they're already there. Certainly in South Asia, most of our embassies have RCMP staff, often in the same quarters as the ambassador and staff. It's the clarity of the direction that this needs to be part of their mandate, and the reporting relationship back through their chain of command, that would make a very significant difference here. It's entirely possible.

Hon. Mobina S.B. Jaffer: If I may add one thing, with the RCMP officers who are there, they have too many things.... They have drugs issues, smuggling issues, and fraud issues. I'm saying that there should be one RCMP officer just for this.

There has been a pilot program in the past. What has happened is that when they're just focused on this, we do get.... We have had one prosecution in B.C. as well, but that was fortuitous. It was somebody who was found out on TV, if you remember that funny face. However, that was just fortuitous. That wasn't our investigation.

Hon. Rob Nicholson: That's right. However, it was the result of the co-operation with other countries around the world on that, which is necessary.

Hon. Mobina S.B. Jaffer: Absolutely.

Hon. Rob Nicholson: Thank you.

I think those are my five minutes, Mr. Chair.

The Chair: You got it exactly.

Mr. Ehsassi.

Mr. Ali Ehsassi (Willowdale, Lib.): Thank you, Mr. Chair.

Allow me to thank all the witnesses for their testimony. It has been incredibly helpful, and no doubt we will be drawing on some of the things you have been directing our attention to.

The first question I have is for Senator Jaffer. Thank you so much for your testimony.

The one issue you identified, which we've heard about loud and clear everywhere we travelled across the country with this committee, was human trafficking during international sporting events. There is no doubt that much more needs to be done. One of the recommendations you provided was that the CBSA and Immigration should be more vigilant and do a better job on their end.

However, it appeared to us going across the country that there's a national ecosystem here. Looking at it domestically, what more do you think needs to be done to deal with this issue?

● (1605)

Hon. Mobina S.B. Jaffer: That's a very important question, and I think domestically what needs to be done is that we need to prosecute when there is an international event. We will be firm about that. I haven't heard—and you may have heard—of one prosecution.

The other thing—I could go on and on, but you've heard it all—is on how to protect girls, especially our aboriginal girls coming from reserves. I won't tell you any more because you know it. I think that's a bigger issue that you have to handle.

The first step is to stop women from being brought here, and then, of course, to protect our girls too.

I don't have a firm answer for you, because you already know. You've already heard all about it, so I don't want to go back into it.

Mr. Ali Ehsassi: Thank you. I have one follow-up question.

I had the pleasure of reading a report that you prepared in 2011 with the human rights committee of the Senate. One of the recommendations was the creation of a national children's commissioner.

Could you give us an update? It would appear that in the context of human trafficking, that would be a very helpful development as well.

Hon. Mobina S.B. Jaffer: I'm always hoping that before I leave the Senate, we will have a children's commissioner. A children's commissioner would really focus on protecting the rights of children on many issues. This is one thing that the children's commissioner could work on with the authorities in protecting the children.

At the moment in our country, there is no one who speaks for the children. If there is one recommendation—I don't know how many times we've made this recommendation; we've almost forgotten it now—it's that a children's commissioner would lead the way. It would not just be protecting our children—that would be the mandate—but indirectly also protecting children around the world.

I truly believe that on the sex tourism issue, on the international games issue, Sweden plays a very important role. They gave us thousands of dollars to stop women from going into Germany. We are behind. We should also be doing that.

Mr. Ali Ehsassi: Thank you.

Senator McPhedran, thank you so much for your testimony.

You pointed out that there is a dearth of information in our country insofar as understanding this challenge and trying to tackle it. You talked about how there were some suggestions about creating a course at the University of Winnipeg.

Given the years that have gone by, do you see more Canadian expertise being developed? One of the problems, the challenges, we definitely have is that we're having a hard time coming up with Canadian solutions, as opposed to constantly relying on international reports.

How do you think we have fared on that particular front?

Hon. Marilou McPhedran: I think there is merit in relying on evidence. I think the evidence we have is that the Swedish model—it should more accurately be referred to as the Swedish model rather then the Nordic model—is actually the only legislative scheme in the world that is producing reduced numbers in sex trafficking.

In fact, I did create the course. It's been running now for over five years, and it gets quite consistent high enrolment. That course has relied on both global and local experts. To the point of research, those experts, for the most part, are not academics. Those experts are on the ground. Those experts are in communities dealing every day with the reality of what sex trafficking means to vulnerable members of their communities, many of them racialized communities, the majority being indigenous.

Mr. Ali Ehsassi: Do I have time for one?

The Chair: You're just at the five-minute mark. Thank you very much.

Mr. Rankin.

Mr. Murray Rankin (Victoria, NDP): Thank you to all the witnesses.

● (1610)

[*Translation*]

My question is for Mr. Fortin.

I agree with what you said about member of Parliament Maria Mourani's bill C-452. It is indecent and embarrassing that we are still postponing its enactment. I agree entirely with you on that.

The bill includes two aspects. First, there are the consecutive sentences. It has been said that they might not be constitutional under the Canadian Charter of Rights and Freedoms. Also, the burden of proof is reversed in the case of pimps who are charged with exploitation and human trafficking. Does that also raise constitutional issues?

Mr. Rhéal Fortin: No.

Mr. Murray Rankin: So, why is there a problem? You said that the Prime Minister had justified his inaction by claiming that the lawyers did not agree and that this law could be unconstitutional. What is the problem?

Mr. Rhéal Fortin: As far as I'm concerned, there is no problem.

According to what I understood, the government detected a potential problem following advice received from the Canadian Bar Association. The Barreau du Québec had provided positive advice according to which all of Bill C-452 could be brought into effect. For its part, the Canadian Bar Association said that there was no problem except for clause 3 regarding consecutive sentences. It said that this clause could run counter to the Charter and be considered as... I don't remember the term but it doesn't matter. The Canadian Bar Association thought there could be a problem with the Charter.

That is the pretext or the reason invoked by the government to justify its decision to withdraw clause 3 to be able to study it in committee and bring it in later after making sure that it was properly worded. As for clauses 1, 2 and 4, it said that they could come into effect immediately. That is what the government said in February 2017.

All I am saying is that if we agree that clauses 1, 2 and 4 do not pose a problem, I don't understand why they have not been brought into effect. At a minimum, this would reverse the burden of proof, the presumption. This seems important to fight against pimping and the prostitution of young girls.

My colleagues know this as well as I do, and people spoke to us about this in the House on many occasions; there were press conferences and all of that. We agree that this is urgent. In 2011, we were saying this was urgent. We are now in 2018. We recognize that this is urgent since we keep adopting bills that say the same thing. Let's stop saying the same thing and bring the law into effect.

I don't claim to be an expert on constitutional law, but I don't think there is any problem regarding the consecutive sentences. If the government thinks there is one, let's work on that, but let's do it now because this is urgent.

Every day we wait counts. Last year, some 900 young girls had prostitution-related issues. We all have young girls in our families, whether they are our daughters, granddaughters or nieces. Would we like to see them caught up in this type of situation? We mustn't think that we are immune. We are not. That is why it is urgent that we act.

[*English*]

Mr. Murray Rankin: Mr. Chair, given the time, I won't have much, but I presume we're going to come back and continue.

The Chair: You have two more minutes. When we come back, we're going to have another panel. That's the issue. I'd like to make sure we finish questioning this panel and then come back to the next panel, because we're going to be late already.

Mr. Murray Rankin: There are so many questions, but so little time. I'm so sorry, but I had a question for Senator McPhedran, which I can ask very quickly. It's more of an observation.

You talked about the racialization of sex trafficking, but isn't it more about class and poverty? Isn't that why people go into this business? It has a disproportionate number of people who are poor, are indigenous in places like Winnipeg. That's obvious, so I wonder if you can definitively say that it's a function of...except it's a disproportionate number because they're poor. That's my question.

Hon. Marilou McPhedran: I'd be happy to embrace the most inclusive description of the problem: racialized, poor, disadvantaged in a whole range of ways. I think what you're addressing is applying intersectional analysis to that, and I embrace that.

Mr. Murray Rankin: Thank you. Those are my questions.

The Chair: Thank you very much. I want to thank all the members of the panel. We're very sorry to cut it short. We can't control the votes.

[*Translation*]

I am extremely grateful for your presence here with us today.

[*English*]

We're going to recess until the next panel. When we get back, hopefully the next panel will be ready to go.

● _____ (Pause) _____

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● (1655)

The Chair: I am going to call this meeting back to order with our second panel of witnesses.

I would like to welcome, from the Family Services of Peel, Mr. Charles MacLean, who is the Executive Director of the Peel Institute on Violence Prevention, and Ms. Sandra Rupnarain, Director of Client Services from the Peel Institute on Violence Prevention.

We also have, as an individual, Mr. Peter Warrack from Bitfinex, who is on video conference from Toronto. Welcome. Thank you very much for joining us.

Also, from the Pivot Legal Society in Vancouver, we have Frances Mahon, who is a lawyer for Pivot. Welcome, Ms. Mahon.

We try to deal with the witnesses first on video conference to make sure we don't lose them before we can actually hear from them.

Mr. Warrack, the floor is yours.

Mr. Peter Warrack (Bitfinex, As an Individual): Thank you, Mr. Chairman, ladies and gentlemen.

I really appreciate the opportunity to present before this committee on the subject of human trafficking in Canada.

By way of background, earlier this month I retired from the Bank of Montreal where I worked from 2013 in anti-money laundering, and previously at the Royal Bank of Canada in a similar role, having come to Canada from the U.K. in 2002 from a career in law enforcement and the military. I'm currently the chief compliance officer of Bitfinex, a digital assets trading company, and I also sit on the board of the Canadian Centre to End Human Trafficking. One of the purposes of the centre is to establish a national hotline for human trafficking reporting in Canada.

I'm going to talk to you about Project Protect. In December 2015, I attended an anti-money laundering conference in Toronto and responded to a call from the floor from a survivor of human trafficking, a wonderful lady, Timea Nagy, who was accompanied by an RCMP officer, Lepa Jankovic. They appealed to the audience of financial institutions, including banks, for assistance in identifying both traffickers and their victims through the patterns of their financial transactions.

I didn't have to think about it for a second; I pledged to help. Fortunately, I sat down next to a representative from Canada's financial intelligence unit, FINTRAC, and he immediately pledged to help. Out of that, Project Protect was born.

Human trafficking in Canada primarily relates to sex trafficking. Approximately 90% of victims are domestic victims, the remainder having come to Canada from abroad, as in Timea's case. Victims are predominantly female, but not always, and they come from all walks of life, not just from disadvantaged communities. Victims are recruited by their traffickers in many ways. Traffickers can be male and female, as can victims. Victims are recruited at shopping malls, online, in schools, in every way you can think of.

Once recruited and forced into the lifestyle, victims work under their traffickers' supervision in motels, hotels, including brand-name hotels, rental apartments in all major Canadian cities, and travel the corridors between those cities regularly. Victims on average, and in my understanding, are expected to earn their traffickers between $1,000 and $1,500 per day, every day. Many traffickers have many victims working for them, so there's a lot of money to be made.

The traffickers need the financial system for many reasons: to be paid by their customers, their clients; to book their travel, their accommodation; and to run their sordid operations. Project Protect launched in January 2016. We brought together in true partnership anti-money laundering, AML, representatives from all the Canadian banks; other financial entities such as money service businesses; law enforcement; payment companies; NGOs; technology companies; professional associations in the banking and hospitality industries; Grant Thornton of Canada; and not least, FINTRAC, Canada's financial intelligence unit.

Financial institutions such as banks are mandated by law to do a couple of things: to identify and report suspicious transactions or attempts as they relate to suspected money laundering and terrorist financing. This includes the proceeds of human trafficking. Banks make these reports to FINTRAC. FINTRAC collates those reports, enhances the intelligence, and shares that information and intelligence with law enforcement.

● (1700)

Until the launch of the project in January 2016, financial institutions were largely unaware, as I was, of the problem and scale of human trafficking in Canada and, indeed, what to look for. In the year prior to launch, institutions had made about 500 suspicious activity reports relating to human trafficking in Canada to FINTRAC. FINTRAC disclosures to law enforcement in the year prior to the launch was small in number, 19 in total. Most of those disclosures were reactive. What that means is a response to a law enforcement inquiry as to whether FINTRAC holds information.

When we started the project, the first thing we did very quickly was to make ourselves aware, educate ourselves by talking to victims and by doing regression analysis on the data that we held that we believed previously may relate to human trafficking. We really started to educate ourselves. Things moved very quickly. Just one month after launch, a total of 500 reports were made to FINTRAC. That is the same total of the previous year, in one month. At the end of 2016, there were over 2,000 reports. At the end of 2017, there were 4,200-something reports made to FINTRAC, and it just keeps increasing.

More importantly, the disclosures made by FINTRAC to law enforcement have similarly increased. Since the project was launched, there's been an increase of approximately 1,400% in reports by FINTRAC to law enforcement. More importantly, these reports are now made proactively. FINTRAC no longer waits for law enforcement to ask if they have any information on this person. FINTRAC proactively discloses to law enforcement information on traffickers and their victims by association that law enforcement may previously not be aware of. That's very, very important.

Action by law enforcement has significantly increased, resulting in arrests, the location of missing people, and the identification of victims. Just by way of example, this year, Toronto police, the largest human trafficking police unit in Canada, successfully took down an international trafficking operation identified through the project involving Portugal, 115 victims, and at least $3 million in the proceeds of crime.

Awareness drives the project, and the members of the project, who are too numerous to mention individually now, act as ambassadors and educate other people. I don't know the number, but it must be in the tens of hundreds or thousands now within Canada that the project has reached and made people aware.

I'd like to share a few lessons learned from the project, which has been running for two and a half years now. I hope this will inform the committee and shape continued action to address the problem of human trafficking in Canada.

Prior to the project, many police forces did not have units dedicated to human trafficking, and in some cases, those that did addressed it reactively. The number of units has certainly increased since the launch of the project, but not all police forces have such units, dedicated units, for human trafficking. Certainly prior to the project, from my observations and knowledge, which is fairly extensive, police officers investigating cases of human trafficking did it myopically. They investigated locally. They would have a local report of human trafficking. They didn't gather the financial intelligence for that case, but they went on the assault of the victim and their trafficker. Had they done so, they would have seen a more holistic view and seen that the trafficker that, for instance, they were looking at in Calgary the week before was in Montreal, Winnipeg, or Toronto, etc.

● (1705)

Financial intelligence provides that holistic view, but I still see silos of effort, well-intended effort, within law enforcement and indeed amongst people in anti-human-trafficking organizations and NGOs, who are competing against each other for funding, effectively, and are still very siloed in their efforts. This is a big observation by me, one I would like to resolve, but it's not going to happen overnight.

In a similar way, I see government funding and local government funding siloed in delivery. Often it is one-off funding, providing an unsustained impact. An organization is funded for six months or a year; after that it's on its own. The good news is, as I've said, that there's certainly been an increase in the number of police forces now having dedicated units and sharing intelligence with each other in FINTRAC. However, a lot more needs to be done, in my opinion. More police forces need to have dedicated units, and they need to work together more collaboratively and proactively with each other, as opposed to in isolation. Police also need funding. I was talking to one police force that would love to do more but just doesn't have the funding to do that.

I would also like to see an increased use of financial intelligence in prosecutions, to take the burden of proof away from the victims, in a way, and focus to a larger extent, with the traffickers, on their proceeds of crime; for instance, charging them with money laundering. I would like to see police officers receive training on the financial aspects of human trafficking. I know that there are courses at the various police colleges, but the banks aren't invited. The banks can certainly educate police officers, and the crown as well, as to what to look for in financial transactions. It's very, very powerful evidence.

Project Protect is a model of public-private partnership. It's been recognized by many organizations—such as the United Nations, the OECD, the Financial Action Task Force, the Egmont Group of financial intelligence units, the Vatican's campaign to end modern slavery—as a best practice in how the public and the private sectors can work together, in this case the regulator and the regulated, the regulator FINTRAC and the banks, etc. It's also been heavily featured in the media, as you may be aware, including CNN, and *The Economist* actually produced a documentary this year on the project.

There's a lot more that needs to be done. I was stunned to realize that there are no reliable national statistics on human trafficking in Canada. Not all police forces report or are required to report their statistics. That stunned me. Hopefully, the national hotline will go a long way to coordinate an effort, producing data—

● (1710)

The Chair: Sorry, Mr. Warrack, you've gone a little bit over time. Can I just ask you to try to wrap up in the next minute? We have two other witnesses and then questions. You're giving us new information, and it's valuable and appreciated. I just need to make sure everybody can get in.

Mr. Peter Warrack: Certainly.

Very quickly, I hope the chiefs of police association hears from the committee on this subject and does more to bring together the silos.

Finally, I'd like to pay tribute to my peers in the financial industry, and also to FINTRAC, of course, without which this would not have been possible.

Thank you.

The Chair: Thank you so much.

We'll move to Pivot Legal Society now.

Ms. Mahon, the floor is yours.

Ms. Frances Mahon (Lawyer, Pivot Legal Society): Thank you.

My name is Frances Mahon, and thank you very much to the committee for inviting me to discuss how human trafficking enforcement is working in Canada. We applaud the government for giving this urgent issue the attention it deserves.

I'm speaking to you today from Vancouver, British Columbia, and I would like to acknowledge that these are the unceded and traditional territories of the Squamish, Musqueam, and Tsleil-Waututh peoples.

I'm a criminal, immigration, and refugee lawyer. I frequently represent individual sex workers, as well as sex work advocacy organizations like Pivot Legal Society. In 2014 I appeared as a witness to the Senate standing committee considering Bill C-36, which overhauled the prostitution provisions in the Criminal Code.

Pivot Legal Society is a human rights organization in Vancouver. One of its primary activities is working with communities of sex workers in Vancouver and elsewhere, and bringing this community perspective to lawmakers as part of its law reform work. Pivot intervened at the Supreme Court in Bedford, and also provided submissions to the House of Commons and to the Senate considering Bill C-36.

We urge this committee to develop a nuanced, evidence-based, and effective strategy that takes into account both the human rights and dignity of sex workers and the need to protect vulnerable groups from trafficking. Creating an environment where sex workers can enjoy respectful and trusting relationships with law enforcement will facilitate the investigation and prosecution of genuine cases of trafficking.

I'm going to speak to you on two issues. The first is the lack of a clear definition for human trafficking that complies with international standards. The second is very close to my heart, and one I frequently encounter with my clients, which is abusive police and immigration enforcement of sex workers and trafficking victims under the guise of human trafficking investigations.

On the first issue, I want to address a point Mr. Warrack made, which is around the lack of statistics on human trafficking in Canada. I believe this is exacerbated by the fact that we do not have a clear definition of human trafficking. We often don't know what's being referred to—labour exploitation, sex trafficking, or indeed consensual adult sex work. This committee must give thought to what human trafficking is, and what it is not.

I represent both sex workers and victims of exploitation, and I appreciate that this is a complex issue. Individual situations may not always be so clear-cut between what is truly consensual and what is not, but the current criminal law framework for both sex work and human trafficking has a detrimental impact on the most vulnerable members of our society, particularly indigenous and immigrant individuals.

Canada's human trafficking law is much broader than the internationally accepted definition of human trafficking, and may, in addition to catching victims of human trafficking, also criminalize sex workers and third parties who are legitimately working in the trade as consenting adults.

I would like to draw the committee's attention to the definition of human trafficking, as provided by the United Nations protocol to prevent, suppress, and punish trafficking in persons. This definition requires an element of coercion for the recruitment and movement of persons for the purposes of labour exploitation.

The crime of human trafficking in Canada does not actually require a coercive element, and this significantly widens the net in terms of who may be caught up in it. For example, simply moving a person, if it's done to facilitate their exploitation, could be enough to find criminal liability. This matters because it creates the possibility that victims of trafficking may themselves be criminalized. I would like to refer you to the testimony of Ms. Lori Anne Thomas, who spoke to you on May 22 about how one of her clients was charged with human trafficking despite being herself a victim.

Although the crime of human trafficking requires an element of exploitation, this does not solve the problem, because exploitation as defined also does not require an element of coercion. No evidence of the victim's actual state of mind or experience is required. This has the potential to remove a victim's autonomy and experience from the process, but it can also criminalize third parties who are legitimately working with individuals in the sex trade.

● (1715)

Now I'd like to move on to the impacts of aggressive human trafficking enforcement on both victims of trafficking and people who are working in the trade.

It's an unfortunate reality, and something that I'm frequently consulted on, that both sex workers and victims in trafficking are the victims of crime because they're experiencing harassment and abuse from clients, they've been robbed at work, or they're just dealing with employment-related issues that don't rise to the level of trafficking. The problem is that they're afraid to make police complaints because of the uncertainty around the legality of their work and concerns about drawing attention to immigration status or to their fellow workers. This is especially unfortunate because it's people in the industry who are the best placed to identify victims of trafficking and bring that to the attention of law enforcement.

The problem is exacerbated by the fact that police enforcement often brings along the Canada Border Services Agency to human trafficking investigations, which can result in deportation of victims of trafficking out of Canada, as well as deportations for people who are working here by their own consent. This is something that I have also seen a lot of in my experience as a lawyer, both in Vancouver and in Toronto.

Even when it doesn't result in deportations or loss of immigration status, it does serve to drive the clients away, meaning that those who are paid per client, rather than per hour, may have to work longer, and it leaves sex workers with pervasive anxiety about their work.

These intrusive police strategies erode trust between victims and sex workers and the police. I'm going to give you a few examples of these abusive police tactics that I've come across in my own experience or that have been the subject of some media.

In Operation Northern Spotlight, which I'm sure this committee is familiar with, 11 people were arrested during a sting in April 2015. These people were held without the ability to contact anyone else and ultimately deported without having received any assistance whatsoever from community organizations. Because the police used a very common tactic, which is arranging fake dates with sex workers in order to gain access to their workplaces, which are often their homes, Operation Northern Spotlight and similarly styled investigations continue to generate fear and mistrust.

Migrant sex workers have also experienced a great deal of abuse at the hands of the police. More than 40% of women contacted by the Toronto-based organization Butterfly, which works with migrant sex workers, reported that they had experienced abuse, such as seizing condoms as evidence, or in some cases, police pulling up their dresses to see if they were wearing underwear as proof of whether they were working as sex workers.

As a local example, here in Vancouver we had a disgraced detective from the counter-exploitation unit, who recently pleaded guilty after he sexually assaulted minor victims of sexual exploitation and human trafficking.

It's not surprising that in a survey conducted by SWAN, here in Vancouver, 95% of the immigrants they work with stated that they would not contact law enforcement if they experienced a violent crime.

The human trafficking investigations and prosecutions also lead to dangerous assumptions of guilt by association. Immigrant sex workers in particular, who may not have very good English or French skills, depend on the assistance of their others, whether they're colleagues or their managers, in order to make their work both safe and viable. For example, they rely on others to help them place ads so that they do not have to be based on the street, and to find work spaces so they can be working indoors, which has been accepted by the Supreme Court of Canada as by far the safest way to exist in the sex trade. However, under the trafficking and the procuring laws, they fear implicating their friends and their co-workers, who could face serious charges merely for being an associate.

I'll give you an example of a report that Pivot received from Butterfly regarding a woman who was detained for two weeks by the police as a trafficked person despite her insistence that she was working voluntarily.

● (1720)

She was never criminally charged, but her phone was seized as evidence. She was forbidden from making calls to anyone including legal counsel, and the police seized $10,000 of her money as evidence as part of their ongoing investigation. It has not been returned to her.

After a search of her hotel room, the police came across a photo of her and her friend and arrested her friend. Although that person was eventually released, she did lose her housing in the process. During that process, the sex worker herself actually disclosed to the police that she had recently been sexually assaulted and robbed, but no investigation was undertaken into the crimes committed against her.

This is unfortunate, and it's very common in my experience for both sex workers and victims of crime to have these experiences with law enforcement. I'm frequently contacted by people who are experiencing harassment or who have been assaulted but are too afraid to go to the police to make a complaint. In some cases, I've been retained to actually make the complaint myself to the police on behalf of third parties. Not every police officer is willing to accept such a complaint from a lawyer who is not actually involved in the crime. Again, this leads to under-reporting and under-investigation of crimes that are actually occurring against sex workers and victims.

The Chair: Could you try to wrap up in the next 30 seconds to a minute, please?

Ms. Frances Mahon: In conclusion, Pivot is recommending the repeal of laws that criminalize adults' consensual sex work. I will refer you to the brief that we submitted to this committee, which also includes in it an earlier report done by Pivot, called "The Case for Repeal". Decriminalizing consensual adult prostitution is not going to undermine the ability of law enforcement to respond to human trafficking. In fact, it may actually improve the relationship between sex workers and the police, encouraging the reporting of crimes and of trafficking itself.

Thank you very much.

The Chair: Thank you very much.

We'll now move to the Family Services of Peel.

Mr. Charles MacLean (Executive Director, Peel Institute on Violence Prevention, Family Services of Peel): I'm Charles MacLean, the Executive Director of Family Services of Peel, as well as the Peel Institute on Violence Prevention.

Peel is one of the most diverse communities across Canada. It has the highest incidence of human trafficking right across Canada because of its close proximity to both the 401 and the airport.

I'm here with my colleagues, Sandra Rupnarain and Monica Riutort, who is a manager of the institute.

At this point Sandra is going to read from a condensed version of the brief that has been presented.

Ms. Sandra Rupnarain (Director of Client Services, Peel Institute on Violence Prevention, Family Services of Peel): Human trafficking has many faces. A year-end report suggests that 80% of all human trafficking victims are subject to sexual exploitation. Therefore, our submission today will focus on the human trafficking and sexual exploitation of women and girls.

While we, ourselves, are not experts in human trafficking, we know that through knowledge-sharing and active participation we can create changes, and that through collaboration and perseverance we can also become a global success story of commitment to doing the right thing.

Our project was funded by MCSS in Ontario. We received a three-year grant with a goal to strengthen the capacity of service providers to serve survivors of human trafficking in the Region of Peel. We applied a theory of change that asserts that women's rights are human rights.

Our work is grounded in an equity, anti-racism, and anti-oppression framework. This framework introduces the determinants of health and well-being into the strategies of prevention, services, programs, research, and policies on human trafficking. The determinants of health according to the framework are divided into proximal, intermediate, and distant factors.

Our interviews and focus groups—which are we what we did, and we work with survivors as well—provided a first-hand account of the sex industry in Canada, namely in Peel because that's the area we live and work in. The interviews and focus groups presented two main themes: powerlessness and lack of support.

Here are some of our findings from the research that we have done to date, which is quite recent.

First is a population data analysis. While trafficking has become a worldwide concern, current data collection activities reveal that the data are limited in scope, incomparable, and insufficient to ascertain the true extent of the problem in Canada. That's the first challenge that we encounter.

The scantiness of human trafficking stats is noticeably linked to the fact that human trafficking is a hidden phenomenon. The Region of Peel has higher rates of actual incidents of human trafficking and total persons charged compared to the rest of Canada, especially during the years from 2009 to 2016. There is definitely a need for more comprehensive, unified, and national data collection.

With regard to the magnitude of the problem, human trafficking is a social issue of growing concern across the globe. As we have heard from many of our witnesses, the estimated number of individuals affected by human trafficking worldwide is 20.9 million. It is the fastest-growing area of organized crime and the third largest income-revenue stream for systemized crime after narcotics and arms sales. The global sex trade is worth about $32 billion annually. This is because women and girls in sex trafficking earn profits for their pimps and traffickers over a great number of years.

Who is being trafficked? We heard some of that earlier on, too. Human trafficking victims include men and women, with women representing the majority. They have diverse educational and economic backgrounds. They include runaway and homeless youth, as well as lesbian, gay, transgender, and bisexual individuals. However, an issue not generally discussed in sex trafficking literature is that many come from homes that lack positive masculine or male influences.

Those at most risk of being trafficked are those with low economic status, indigenous populations, and people with disabilities. They have the greater vulnerability of becoming victims of human trafficking.

We know that indigenous women—and I don't need to elaborate too much on that—are more likely to experience discrimination, poverty, poor living conditions, and violent crimes.

Few researchers have examined the sex trafficking of women with disabilities. Some specific vulnerabilities include the lack of awareness of exploitation on the part of the victims, the inability of victims to self-identify the exploitation, and the relative ease with which traffickers can manipulate these girls and women.

One of the greatest challenges in the battle against human trafficking is removing the veil of silence that allows this oppressive behaviour to flourish. Lack of understanding with regard to the scope and severity of the problem has also contributed to its dramatic rise, so there is also a need for research and data collection.

In terms of services for men, interestingly, we have that as part of talking about the human trafficking and sexual exploitation of women. There is a lack of services for men, and this is often because of the assumption that men do not seek psychological help because of the stigma of showing emotions. This represents a large area of unmet needs because men who have been trafficked have health problems, mental health issues, and needs similar to trafficked women. As their needs are similar, it is important that there are services available equally for them.

What are our recommendations after one year of research and with still two more years for the project? We have eight recommendations from the work we are doing.

Collaboration and communication are key. A national system should be created to lead collaboration and communication among all sectors.

● (1725)

All sectors need to be involved. Health, social services, police, and justice need to be involved in cross-communication.

Human trafficking has been defined as a process, not an event. If we're able to have a long-term impact on the problem, we must use research to identify the most cost-effective ways of intervention. The Government of Canada has developed and implemented its tools for the prosecution of traffickers, thereby responding to most of the prosecution recommendations of the UN protocol in 2000. However, the international data shows that legal and police prosecution have not reduced the aggregate amount of trafficking. The focus should be on prevention and support for survivors.

The more structural elements of prevention have yet to be adequately sourced. They have not happened as of yet, including awareness-raising campaigns, education campaigns, and training. It can only be achieved through research and, again, through victims' participation in the entire process so we are duly informed and we're not making our decisions in ivory towers and just through research alone.

We talk about training. Service providers need to be trained on how to work with the population. Training at all levels needs to be developed and implemented. The training that is available currently does not have a proper evaluation process. The training was developed with no evaluation process attached to it. There's no reiteration of what's working and what's not working. There's a great need to develop evaluations that measure impact and a need for a robust social and health care system response as well.

A workforce is needed that is aware of the health and social impacts of this issue. I do not think that people working in this area understand the impacts holistically on individuals who have been trafficked or caught in human trafficking. They need to be educated on how to identify and treat affected individuals in a compassionate, culturally aware, and trauma-informed manner, and trained on how to collaborate efficiently with law enforcement, case management, and advocacy partners.

Competent therapeutic supports that are person centred and survivor informed can successfully manage the psychological impacts of human trafficking. We know that the most prominent of these therapies include behavioural, cognitive, and psychodynamic. All services and programs should be mobile to reach a population that is transient and geographically close for them to access. This leaves room for further research as to how we're going to make that happen. Again, it should happen with survivors involved in the process.

One of the things that we found is about peer to peer. Every transformational journey is unique, but here our survivors have two things in common. First, they integrate the traumatic experience into their public identities and make their experience a defining part of their life stories. Second, they talk or write about it in a way that has an inspiring effect on others. Often victims are unwilling to acknowledge the trauma and exploitation that they have experienced. Many survivors are reluctant to seek treatment. However, in working with others who have had similar experiences, many individuals feel more at ease. Overall, the services found to be most effective regarding treatment of this population are peer-to-peer support, physical health support, reintegration services, and mobile clinic services to work with those leaving sex trafficking.

We need a trauma screening tool. Early identification of human trafficking survivors needs to happen. Development of a trauma screening tool should be of great assistance to all professionals who work in this area, whether they be police, health care, or social services.

On education and outreach, we should raise awareness and understanding of the needs of survivors of human trafficking amongst service providers and the general public. In 2017, Ontario declared February 22 a day of awareness of human trafficking. Edmonton has a week since 2004. I think a national day to raise national awareness on this issue will garner much momentum for us for education and awareness training for professionals as well as for the general public.

What is the role of government in civil society? It is to reduce or eliminate the expectation that government alone is responsible for eliminating social issues like human sex trafficking by developing meaningful, purposeful relationships, with knowledge of organizations that are currently working in the field, on the ground, and involved in the work. It is also collaborating to develop strategies to assist in extracting victims currently embedded in human trafficking. While we cannot legislate morality, we can certainly develop comprehensive legislation to facilitate a reduction of the profitability of human trafficking and to protect survivors.

Housing, as we know, is always an issue. How do we move people out from human trafficking into housing? There's a lot to be done in this area.

● (1730)

In conclusion, understanding the roots of vulnerability is invaluable, whether in safeguarding young people from exploitation or in helping them to escape. Billions of dollars are made by human trafficking. The victims may be enticed to work in the sex trade because perhaps they don't value themselves. The only value they have, and what they're aware of, is what money can buy, and that's why we find that the age is now increasing from 11 to 12 to 13 because of all the gadgets out there, and the need of the immigrant population, newcomer population, to feel they are part of society, to feel they fit in. Certainly this leads to that sense of where they can get this money as fast as possible.

They have learned that money is made by selling their bodies. What they need to learn is that they have value that is of far greater significance. They can't recognize that value because they have often been raised to believe they are worth less and have other issues to deal with around self-esteem and identity, so it's a deeper issue. To gain self-esteem they need a program that will help them identify the strengths they have within themselves, which is more preventative, and that the talents they were born with are talents that can help them to earn an honest living.

Our study has documented a lack of service in programs at all levels for survivors of human and sex trafficking. Even when there is good intention to assist, the deficiency of knowledge and of understanding the complexities of the issues, and the level of violence encountered by survivors impede proper interventions.

Finally, we understand today that just being here is a miracle, and we're in the business, as family services, of saving lives. To fight against human sex trafficking is an extraordinary cause, and it can be accomplished by extraordinary people, so let's join in building a better society, a better culture with better values, and a better Canada. Let's make sure that future generations and our grandchildren and their children can find their happiness, not through sex trafficking, but through understanding their worth.

Thank you.

● (1735)

The Chair: Thank you very much.

We're a little over the time that our meeting normally ends, so I'd like to ask the will of the committee in proceeding. Would everybody be agreeable to doing one round of questions?

Some hon. members: Agreed.

The Chair: Okay, we'll do one round, which is 24 minutes, and then we'll be done.

We'll start with the Conservatives, Mr. Nicholson.

Hon. Rob Nicholson: Thank you very much.

Thank you to our witnesses here today. This is much appreciated by the committee in the work we are doing.

I'd like to start with Peter Warrack.

First of all, welcome to the committee. Thank you for your testimony, and congratulations on all the work you are doing in this area.

You started at the beginning of your testimony saying when you got involved with this and the whole question of human trafficking, the financial institutions were unaware of the transactions that were taking place to facilitate and fund human trafficking.

Toward the end of your testimony you made a very interesting comment, which was that many times police themselves are unaware of the financial aspect of human trafficking. One of the suggestions you made—I like that and hope we can pursue this—was that banks would be invited to the schools to help train our police officers.

Have you made any outreach, or do you know of any outreach that has been made? Has anybody accepted this or thought about this, or is this another brand new idea we have to pursue?

Mr. Peter Warrack: Certainly outreach has been made, and the Ontario Police College is keen to embrace it. It would be nice to see the Canadian Police College follow a similar route. The Canadian Police College does great work in education and has put on specialist courses for human trafficking, but that one financial piece is missing, in my opinion.

Hon. Rob Nicholson: Thank you, but you said it has been welcomed in the Ontario Police College, and is now a part of the program.

Mr. Peter Warrack: It's not part of the program; I think it's in the works.

Hon. Rob Nicholson: I hope you keep on with your efforts in that particular area because it makes sense to all of us in this industry that we have to have everybody be a part of this.

Thank you again for your testimony.

Ms. Mahon, thank you for your testimony as well. A lot of your testimony was directed at criticism of our police services, and one of the instances you talked about was particularly concerning to me. I'm a lawyer myself. You said that one of these victims was detained for two weeks and not allowed to call her solicitor, or call anybody for that matter. I wonder if you could give us the name or the time for that because it seems to me our committee would be very interested in that.

If somebody in this country is being detained without charges, and is not allowed to call a lawyer, that is a very serious accusation, and so I would very much appreciate getting that information. Our committee would look into this to see how and where and why this took place.

Ms. Frances Mahon: I can say that I believe it was about two and a half to three years ago, and if I recall correctly, it took place in Saskatchewan. I myself was contacted by Butterfly, when I was working as a lawyer in Toronto, to try to intervene. I'm afraid I don't have more details for you right now about that incident. I could reach out to my contacts at Butterfly and see if the victim there would be willing to provide more details, and I can pass them along to the committee.

● (1740)

Hon. Rob Nicholson: We'd very much appreciate that, because that's a huge violation of someone's rights.

Thank you, Mr. Chair. Those are my comments and questions.

The Chair: Thank you very much, Mr. Nicholson.

We'll now go to Ms. Khalid.

Ms. Iqra Khalid (Mississauga—Erin Mills, Lib.): Thank you, Chair.

Thank you to the witnesses for your very compelling testimony.

Ms. Mahon, you had spoken a little bit about the relationship between law enforcement and sex workers, and the need for improving that relationship. Can you please give a little bit more detail? First, why do we need to improve that bond and that relationship; and second, how can it be done? As we travelled across the country, meeting with law enforcement and meeting with sex workers, we felt the hostility between the two groups, but I understand that law enforcement is moving now toward building those relationships. How do you think we can create a more collaborative approach between those groups?

Ms. Frances Mahon: I would encourage law enforcement to work collaboratively with sex worker advocacy organizations. There are some examples around the country where that's occurring. The primary problem, as I understand it, is that the police enforcement tactics themselves are quite aggressive. There's a lot of targeting of indoor sex work locations, like micro-brothels, spas, and massage parlours. The police will arrange fake dates as a way to get in, knock on the door, and then come in with weapons drawn and doing an aggressive enforcement action. This is simply terrifying for the people who are there, who don't understand that the police may be acting with good intentions. I should add that police often bring CBSA agents with them to these enforcement actions, and people can be detained under immigration provisions and deported as a result. These stories get around to the community very, very quickly. Sex workers have fantastic networks of communication among them. Once they find out that this kind of thing is happening in their community, they think they shouldn't trust their local police department because they're aware that last week they went to so-and-so's place of business and acted in this way.

What I would suggest is that police spend more time simply listening to sex workers and to sex work advocacy organizations about how to improve the way they're actually investigating these offences. Specifically, the police themselves need to take a good look within their own departments to make sure they're acting with integrity. I gave the example of the detective here in Vancouver, Jim Fisher, who did plead guilty to the sexual exploitation of a victim of human trafficking. Stories like that are just horrific to imagine. I'm sure this committee can understand why such a story would erode, perhaps permanently, the trust between individual sex workers and local law enforcement.

Ms. Iqra Khalid: Ms. Rupnarain, you had mentioned that you've been given a grant for three years to develop a program to help victims of sex trafficking within Peel Region. Thank you for all the hard work you do. My riding is in Peel Region, and I'm really appreciative of your organization and the work you're doing.

We met with a lot of civil society organizations across the country and realized that many of these projects happen in silos, without much collaboration with civil society. In what ways do you think organizations like yours can really work not only to collaborate with other organizations across the country but also to take the data that is collected from victims who use the services and give it upstream, so that at the federal or the national level we can have a better understanding of what sex trafficking, or human trafficking in general, looks like within the country?

Ms. Sandra Rupnarain: A part of what we do as the institute is that we try to organize activities around knowledge and dissemination, and when we do that through the forum of symposiums or conferences, we try to invite our community partners as much as we can. We had a symposium two years ago at the University of Toronto on the issue of interpersonal violence, and information was sent out internationally. That's one way we get our information out to the communities. We do publish other reports on our website, which is another way we also get our stuff out there. We have some publications out, some books that have had extracts of the work that the institute has done. The other way, if people request it, is we actually do get them out to people who need the information on the work that's being done.

In terms of collaborating and getting into the community, we try to be very intersectoral, and certainly we don't try to work just with social service providers, or providers. We're also working on the ground with those who have been in the sex trafficking industry who might have exited. Rising Angels, in the Region of Peel, is one of the organizations we're working with on that. They work with women who have left the sex trafficking trade. Through that we're disseminating some of the information we're gathering.

In terms of the trauma screening tool, we're meeting with organizations around training their service providers on how to use a trauma screening tool, so they can identify someone coming in who might be in the sex trade, but not disclosing that. A trauma screening tool can identify that very early so they can do some interventions without it getting more complicated down the road.

● (1745)

Ms. Iqra Khalid: I just have one last question. What happens after three years?

Ms. Sandra Rupnarain: That's a good question. We're currently going to be having a presentation to the Region of Peel as well, because it is also following the Ontario mandate on human trafficking. We've been asked to do a presentation to council around the work being done, because the hope is that there can be allocation of dollars, especially for the Region of Peel, so that we can keep looking into this issue and not let it die.

The Chair: Thank you very much.

Mr. Rankin.

Mr. Murray Rankin: Thanks to all the witnesses. I'm going to start with Ms. Mahon from Pivot Legal Society.

Thank you for your remarks. You made a couple of key points at the start, one of which was the definition of "human trafficking" in Canadian law. I want to see if I have this right. It was too broad as compared to the UN protocol, which requires an element of coercion, whereas our system seems to require a element of exploitation, but no evidence of a state of mind. Do I have that right so far? Is that what you're saying?

Ms. Frances Mahon: Yes, that's pretty close. If coercion is present under Canadian law, certainly that could make...out to the crime of human trafficking, but it's not required. That's how it differs from the UN's own definition, which does require coercion, threats, or abuse of power in order to make out the crime.

Mr. Murray Rankin: If that's true, some would say,"Well, that's great because we're going to catch more traffickers in Canada rather than having to meet the higher standard of the UN protocol." Simply put, what would you say to that?

Ms. Frances Mahon: The issue that I see with that is this. As this committee is likely aware, traffickers often recruit their own victims to recruit further victims. You may have a case where somebody is involved in simply transporting a person from one location to the other, but isn't actually coercing that person to be in the sex trade because it's that person's pimp who is actually doing the coercing. That victim herself may find herself criminalized under human trafficking provisions.

The other issue is that people frequently work with third parties—drivers, managers, and so on—and those people may also be criminalized under the human trafficking provisions simply because they're providing a service to somebody else.

Mr. Murray Rankin: All right. I commend you for the work that you've been doing at Pivot on seeking the repeal of criminal laws for adult prostitution; and your case for repeal is a document that I am familiar with. You yourself represent, as you said initially, a lot of sex workers. Some folks seem to conflate the issue of sex work and human trafficking. As someone who represents sex workers, what percentage of sex workers, would you say, are trafficked or held against their will?

Ms. Frances Mahon: In my own clients?

● (1750)

Mr. Murray Rankin: Yes.

Ms. Frances Mahon: That would be difficult for me to put a number on. I would say the vast majority of people I work with are adults who have been in the trade for a long time and who are working without any coercion whatsoever. That said, it's not always so clear-cut. I certainly also worked with people in the trade who were experiencing exploitation day to day whether at the hands of clients or somebody else. It's not always clear where that line falls, and I appreciate the difficulty that this committee has in addressing that nuance. It's a bit difficult for me to give you clear numbers, but I would say that in my own legal practice, not Pivot's work with the community, I work with about 75% who I would put clearly in the category of adult consensual sex trade workers, and about 25% who are victims of exploitation of one form or another.

Mr. Murray Rankin: We heard from Senator McPhedran before you came, in line with Shelagh Day whose work I know you know, who used the expression, "Prostitution is not the oldest profession, it is the oldest oppression", and draws the conclusion that normalizing sex work, normalizing prostitution, is a bad thing and we ought not walk down that slippery slope if we're trying to deal with human trafficking. I wonder if you could react to that, given Pivot's position on the case for repeal, and so on.

Ms. Frances Mahon: Certainly. I have to say that I do work with many individuals who are autonomous, they're adults, they have been working in the industry for a long time, and I would be very hard put to consider those people as victims. They are in control of their own life and their own economic situation. They're able to provide for their family members and enjoy quite good quality of life.

I don't like to remove other people's autonomy by telling them whether they're victims. I prefer to let people tell me for themselves what their experiences are. I do appreciate that there's a perspective that people may not know whether they have been truly victimized, but when there are circumstances of real exploitation happening, it's usually pretty apparent to me what's going on. Although it's difficult for me to draw the line between adults, consensual sex workers, and people who are victims of exploitation, as I said, it's usually quite apparent when there are exploitative circumstances.

Mr. Murray Rankin: Ms. Rupnarain, I appreciated your remarks very much. In the material that you provided and summarized, I was struck by a quote that I believe appears, where it says, "Approximately 50% of victims have not had previous experience dancing in adult entertainment establishments and/or prostitution."

In your experience, about what percentage of trafficking victims have previously been involved in sex work? Can you answer that based on your experience to date?

Ms. Sandra Rupnarain: One of the things we've seen that has grown recently is the age. It happens at a very young age: for example, from high school. One of the cases we work with is where kids go to high school, but they never go into school because they're picked up by their pimps, and then they're dropped off or taken home after school. Their parents never know after years of actually being in it. Those are the numbers we draw from—they've never been in any of that industry before—getting caught in that industry.

In the work that we do, we see more folks who are in sex trafficking than in prostitution. Most of the folks who we work with, who we conduct business with, even the survivors, have never been caught up in that field before. They just went right into human trafficking.

Mr. Murray Rankin: You would probably agree with what was said earlier, that there's a danger in conflating sex work and human trafficking.

Ms. Sandra Rupnarain: Yes, there is a danger.

The Chair: Thank you.

Mr. McKinnon.

Mr. Ron McKinnon (Coquitlam—Port Coquitlam, Lib.): Thank you, Chair; and thank you to all the witnesses.

I will be focusing on Mr. Warrack.

You gave us a huge amount of information about financial tools, financial intelligence, and using that to identify instances of trafficking. There's so much information and I need to drill down a little on it.

Is FINTRAC the major tool that banks and other agencies use to identify trafficking circumstances?

Mr. Peter Warrack: FINTRAC is the government's collection agency for mandated reporting from banks and other institutions. Banks, for example, are required to identify and report suspicious transactions related to money-laundering, and that includes money from human trafficking. The banks and other institutions feed FINTRAC, which is an intelligence agency. They enhance that material and then share that material with law enforcement as appropriate.

● (1755)

Mr. Ron McKinnon: Are these cases identified before they put the information into FINTRAC, or is it when they put the information into FINTRAC that they identify these circumstances?

Mr. Peter Warrack: Banks, for example, and not just banks, independently identify patterns in customer behaviour that are strongly indicative to the bank of human trafficking and they share that information with FINTRAC. I must say, there's a fine line also between consensual sex workers, adult sex workers who may have similar patterns of activity....and the banks are very careful to report what they truly believe to be human trafficking.

Mr. Ron McKinnon: What is the nature of the financial operations that would identify people as potential traffickers? Is there any commonality there that you can talk about?

Mr. Peter Warrack: I will keep it at a high level, Mr. McKinnon, for obvious reasons. A trafficker will often use a victim's account as their own account, so if we look at a victim of human trafficking's account, they don't get to keep any of the money. It goes in and out and the trafficker keeps it all. The trafficker needs to move his victims around the country, so there are a lot of transportation charges, a lot of accommodation charges, a lot of fast food charges, purchases of products at pharmacies, and things like that. When you add it all together and also look at their advertising, where they advertise, what the advertisements look like, and the language in the advertisements, it gives you a pretty strong clue or indication that this looks like a potential trafficking case.

Mr. Ron McKinnon: Travel and fast food across the country, that sounds like my bank account.

Can you suggest any way to augment FINTRAC that would help this, any suggestions that we could recommend to change that system to help this identification in the law?

Mr. Peter Warrack: I think the system is working extremely well. I think where it breaks down is at the law enforcement level—with the greatest respect to law enforcement—where not all law enforcement is equal. Some are more proactive than others. Some take the information, the intelligence from FINTRAC, and run with it and use it. Others don't.

Regarding the police, generally, I would like to see them certainly consider more the financial evidence that can be obtained from the bank about the trafficker, which can be used as evidence of that person's trafficking.

Mr. Ron McKinnon: Speaking of police officers, are they typically given financial training so they know how to use this information and know what to look for?

Mr. Peter Warrack: Certainly police officers, depending upon their role, are given financial training but broadly, not specific to human trafficking. A human trafficking case is different from fraud, for instance. As I say, banks and people like that can provide valuable education to the police through the colleges of what it actually looks like.

Mr. Ron McKinnon: You also mentioned international versus domestic. I forget what numbers. I think you said 90% of cases are domestic. Are you able to identify that in a significant way through a financial analysis? How do you tell whether an international transaction relates to human trafficking?

Mr. Peter Warrack: A good example is a trafficker paying for persons—usually women's—visas, for instance, to come in from abroad. That would be an indicator, not on its own strong enough, but with other indicators it would point to that international dimension.

Mr. Ron McKinnon: Those are my questions. Thank you.

● (1800)

The Chair: Thank you very much. It's 5:59. Excellent.

I'd like to thank both of the witnesses who testified on video conference. It's a little bit difficult for you not being in the room with us, but we really appreciate the effort you made. Thank you so much for your testimony. It was much appreciated.

With that I will wish everyone a good evening. The meeting is adjourned.

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